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97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-773

COMPLETED

DIRECTING THE SECRETARY OF AGRICULTURE TO RELEASE ON BEHALF OF THE UNITED STATES A REVERSIONARY INTEREST IN CERTAIN LAND PREVIOUSLY CONVEYED TO THE STATE OF CONNECTICUT

AUGUST 19, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 6422]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 6422) having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 2, line 5, insert after "the United States" the following:

: *Provided*, That such release shall in no way affect the interests of the United States in coal, oil, gas and other minerals (not outstanding or reserved in third parties) reserved by the United States in the described lands: *Provided further*, That such release shall be applicable so long as the described lands are used exclusively for cemetery purposes.

BRIEF EXPLANATION

H.R. 6422, as amended, directs the Secretary of Agriculture, with respect to 0.93 of an acre of a larger plot of land that was conveyed by the United States to the State of Connecticut, to release the State, without consideration, from a condition contained in the deed of conveyance. This will enable the State to transfer the 0.93-acre tract to the Ekonk Cemetery, Incorporated, for use as a cemetery. The condition that will be released requires that the land deeded to the State by the United States be used for public purposes and provides for a reversion of the land to the United States if at any time it ceases to be so used. Under the bill, the release will apply so long as the land is used exclusively as a cemetery, and any proceeds received by the State in return for the transfer of the land in question must be used only for public purposes.

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PURPOSE AND NEED

Certain federally-owned lands acquired under the Bankhead-Jones Farm Tenant Act of 1935 were conveyed by the Federal government to the State of Connecticut in 1954 and consequently were included in the Pachuag State Forest. Section 32 of that Act requires that any deed of conveyance made under title III of the Act be conditioned on the land being used only for public purposes. Thus, the deed effecting the 1954 transfer contained a condition establishing the right to reversion of ownership to the United States if the land ever ceased being used for public purposes.

For approximately 20 years, the Ekonk Cemetery has been seeking and additional acre of land from the adjacent Pachuag State Forest for use as additional cemetery space. The existing cemetery is now full. The Connecticut Park and Forest Commission is favorably disposed to transfer the acre to the cemetery. However, the State's Attorney General has ruled that the "public purposes" clause contained in the deed makes such a transfer impossible. Correspondence set forth below illustrates the problems encountered by the cemetery in this regard. Therefore, legislation is necessary to enable the Secretary of Agriculture to release the State of Connecticut from the deed's reversionary condition for this parcel of 0.93 of an acre.

Correspondence relating to efforts of the Ekonk Cemetery to obtain additional land follows:

STATE OF CONNECTICUT,
PARK AND FOREST COMMISSION,
Hartford, Conn., September 19, 1963.

Mr. CHARLES A. WILCOX,
Secretary, Ekonk Cemetery, Inc.,
Oneco, Conn.

DEAR MR. WILCOX: The Commission will consider the proposal to enlarge the cemetery area at its meeting in October. It is anticipated that the request of the corporation will be granted.

As the corporation is a non-profit organization, I assume the consideration for the deed will be $1.00. Enclosed is a draft of the conveyance with an accompanying map.

As you are aware, the additional land is part of the so-called Resettlement land deeded to the State by the Government. In this conveyance it is set forth that the land is to be used for "public purposes" or title reverts to the U.S.A. In order to clarify the meaning of this phrase, I have written the Forest Service; a copy of the letter is enclosed.

Very truly yours,

DONALD C. MATHEWS, *Director*
(By Charles W. Martin, Field Agent).

Enclosures.

CONNECTICUT
STATE PARK AND FOREST COMMISSION,
September 19, 1963.

Mr. GLENN R. ALLISON,
Assistant Regional Forester, U.S. Department of Agriculture Forest Service, Market Street, Upper Darby, Pa.

DEAR SIR: The Ekonk Cemetery, Inc., of Sterling, Connecticut has requested the State to convey a small parcel of land (see enclosed map)

to the Corporation for the purpose of enlarging the burying ground. The Commission is disposed to grant this request but is aware that the land is subject to use for "public purposes" or title thereto reverts to the Government.

The Ekonk Cemetery, Inc., is a corporation without capital stock, organized August 6, 1926, and the Charter carries the usual provisions concerning management, acceptance of gifts and bequests, et als.

Would you kindly take up this request with the proper legal agency and advise whether "public purposes" is sufficiently broad to allow the State to convey this land? In case the State cannot so act, would you further advise as to what steps are necessary to permit the enlargement of the Ekonk Cemetery, Inc.?

Very truly yours,

DONALD C. MATHEWS, *Director*
(By Chester W. Martin, Field Agent).

STATE OF CONNECTICUT,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
Hartford, Conn., July 5, 1979.

Re Pachaug Forest, Ekonk Cemetery, Sterling, A–79–33.

Mr. ANDREW P. JURNAK,
First Selectman, Town of Sterling, Oneco, Conn.

DEAR MR. JURNAK: Reference your letter dated March 19, 1979 and subsequent correspondence, concerning your request for State land to enlarge the Ekonk Cemetery.

Your request has been thoroughly investigated by this Department and must be denied.

The subject State property is a part of the many parcels of land transferred to the State of Connecticut by the United States of America and with the many encumberances that were attached to the property transfer along with subsequent rulings of the State's Attorney General as to its use, the above request would be quite impossible.

Sincerely,

DENNIS P. DECARLI,
Deputy Commissioner.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 6422, as amended, releases the State of Connecticut, without consideration, with respect to 0.93 acre of land in Windham County, Connecticut, from a condition contained in the deed under which the United States granted to the State certain lands in that county of which the 0.93-acre tract is a part. The release of the condition is contingent upon an agreement by the State (1) to transfer the 0.93 acre of land only to the Ekonk Cemetery exclusively for the expansion of the cemetery, and (2) that any proceeds from such transfer be used only for public purposes. Section 1 also provides that section 32(c) of the Bankhead-Jones Farm Tenant Act shall not apply to that release. Section 1 also provides that the release will in no way affect the mineral interests in the tract reserved to the United States, and will apply only as long as the tract is used for cemetery purposes.

Section 2 of the bill contains a legal description of the 0.93-acre tract.

COMMITTEE CONSIDERATION

The Committee on Agriculture, at a business meeting on July 29, 1982, considered H.R. 6422. Mr. Weaver, Chairman of the Subcommittee on Forests, Family Farms, and Energy, explained the bill. After discharging the Subcommittee from consideration of the bill, the full Committee further discussed the proposal. Pursuant to a suggestion made in the report of the Department of Agriculture on the bill, Mr. Weaver offered an amendment to retain to the United States any reserved coal, oil, gas, and other minerals in the 0.93-acre tract and to make the release of the reversionary interest applicable so long as the tract is used exclusively for cemetery purposes. Without objection, the amendment was agreed to. The Committee, in the presence of a quorum, by recorded vote of 25 ayes to 0 nays, ordered H.R. 6422, as amended, reported to the House with the recommendation that it do pass.

ADMINISTRATION POSITION

The position of the Administration on this legislation is reported in the following letter dated July 27, 1982, from the Secretary of Agriculture to the Honorable E (Kika) de la Garza, Chairman of the Committee on Agriculture:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 27, 1982.

Hon. E (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 6422, a bill "To direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut."

The Department of Agriculture has no objection to the enactment of H.R. 6422.

Section 1 of H.R. 6422 would direct the Secretary of Agriculture to release a condition in a deed to the State of Connecticut conveying lands in the town of Sterling, Connecticut, which requires that the conveyed lands be used for public purposes and, if not so used, that the lands would revert to the United States. It would further require the release to be contingent upon an agreement between the State and the Secretary in which the State would agree to dispose of the lands to which the release applies to the Ekonk Cemetery, Incorporated, of Sterling, Connecticut, and to use any proceeds from the disposal for public purposes. Section 2 describes the lands to which the release would apply, indicating that 0.93 acres are involved.

The 0.93-acre tract is part of a 43-acre tract acquired by the Federal Government under the Bankhead-Jones Farm Tenant Act of 1937. The Government quitclaimed this tract and several others totaling 1,735.30 acres located in the Town of Sterling to the State on November 18, 1954. The land conveyed to the State was one of some 258 land utilization projects in 45 States established on 11.3 million acres of land acquired between 1933 and 1946. Most of the projects have subsequently

been granted, sold, or exchanged to State and local governments under the authority of section 32(c) of the 1937 Act, which requires that the property be used for public purposes.

We note that the bill does not address any mineral interests that may remain with the United States in the 0.93-acre tract. If the United States had any mineral interests, the deed would normally have retained to the United States 75 percent of such interests. We have no objection to the bill as drafted if it is amended to recognize any mineral interests that the United States may have retained in the 1954 deed. We suggest that the Committee contact the Department of the Interior to resolve any questions concerning mineral interests.

Since the bill meets our concern that any proceeds from the conveyance would be used for public purposes, we have no objection to its enactment. We note that Congress has, in several instances in recent year, granted similar relief to that provided by H.R. 6422.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

The Committee notes that H.R. 6422, as reported, contains the amendment recommended by the Secretary.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. The estimate and comparison prepared by the Director of the Congressional Budget Office under clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 5, 1982.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6422, a bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut, as ordered reported by the House Committee on Agriculture, July 29, 1982.

This bill directs the Secretary of Agriculture to release approximately one acre of land in Sterling, Connecticut, from a public purpose reversionary clause in order to allow the State of Connecticut to convey this land to the Ekonk Cemetery, Incorporated. The bill stipulates that all proceeds to the State of Connecticut from this convey-

ance are to be used exclusively for public purposes. Based on this review, it appears that no cost to the federal government will be incurred as a result of enactment of this legislation.

Sincerely,

ALICE M. RIVLIN, *Director.*

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 6422, as amended, will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 6422, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

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